



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE NOVEMBER 20, 2019 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 20, 2019, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office
Ms. Jamie Kelly, Public Member
Chief Tom Kelly, Apache Junction Police Department
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Deputy Director Joe Profiri, AZ Department of Corrections, representing Director David Shinn
Chief Alan Rodbell, Scottsdale Police Department

Staff in Attendance:

Matt Giordano, Executive Director
Ben Henry, Deputy Director
Billy Caldwell, Compliance Specialist
Dan Ciernia, Digital Media Supervisor
Marie Dryer, Program Administrator
Amanda Faust, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Steve Jacobs, Compliance Specialist
Mike Orose, Training Supervisor
Lynn Pirkle, Budget Analyst
Kip Rustenburg, Program Administrator
Cindy Sawyer, Compliance Specialist
Tammy Schliefer, Administrative Assistant
Sandy Sierra, Administrative Services Officer
Dave Toporek, Compliance Specialist
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Mark Brachtl

Paul Forshey

John Tellier

A. Call to Order

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Sheriff Dannels to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Compliance Specialist Steve Jacobs was presented with his 25-year pin in recognition of his years of service at AZPOST; Steve is the longest tenured member at AZPOST. The Board thanked Steve for his dedicated years of service.
- Assistant Attorney General John Tellier will provide legal advice to the Board on the first six final action cases - William W. Murray 17-135; Jim D. Salazar 15-054; Charles K. Foley 17-104; Levi W. Leeder 18-152; Jesse N. Ornelas 18-142 and Timaree J. Murphy 19-086.
- For the record, all Board members are present; with Deputy Director Joe Profiri representing Director Shinn of the Department of Corrections. There are still two Board member vacancies (public member and jail administrator).
- New Case #7 - Justin Keeling 18-151 will be tabled for further review.
- New cases #1 and #2 will be reversed in the order of presentation.
- Final Action Case #8 – Scott Bricker 18-147 has been removed from the final action cases on the agenda; he has signed a Consent Agreement for voluntary relinquishment of peace officer certification.
- New Case #10 – David Moix 19-145 has been removed from the new cases on the agenda; he has signed a Consent Agreement for voluntary denial of peace officer certification.
- New Case #11 – Jillian Bradshaw 18-151 will be moved to the end of the new case list to allow the Board to go into executive session to discuss confidential information.
- One individual, whose name is on the training deficiency list, has completed the required annual training; his name has been removed from the Consent Agenda; Rogelio Bermudez.
- Final Action Case #1 – William W. Murray 17-135 may need to be pushed back further on the agenda; we just learned the attorney for this case was involved in a car accident and is running late.

C. Executive Director's Report

Matt Giordano, Executive Director

- I was not at the September meeting due to traveling on State business; Deputy Director Ben Henry covered this meeting.
- Attended the IADLEST Western Conference in Boise, Idaho in October. It was a great opportunity to share ideas with peers from the Western states and discuss the common issues we face.
- Attended a one week De-Escalation Training Summit in San Diego last month. This was sponsored by California POST.

- Governor Ducey and Representative Hernandez from Tucson met earlier this year to discuss SRO Training and funding. Representative Hernandez had some concerns as to how well trained SROs are and AZPOST was invited to discuss this matter. We worked out a plan to provide additional training and Governor Ducey allocated funding for this training. This week we hosted a class at the Maricopa County Sheriff's Office training center. We had just shy of 60 SROs attend. Today there is a class at the Mesa training facility with 40-50 in attendance. We are hoping to conduct a class in Tucson or Southern Arizona in the spring and another in Northern Arizona in the spring as well. We want to cover all SROs statewide and can continue to add classes if the need arises. The training "Adolescent Mental Health Training for SROs" has been very well received and it includes 12 hours of training.
- Rulemaking changes will probably happen in 2020. As part of that change the survey we have been working on with ASU was sent to all agency heads for their input. We received an update from ASU and out of the 159 agencies, 100 have responded. We will give one more push to get the remaining agencies to respond. The survey will close December 1. The survey is anonymous so we do not know who is providing the information, but we are starting to see some trends and ideas of what the chiefs and sheriffs want to see throughout the state regarding rule changes to AZPOST guidelines. ASU also did a different survey to students of the Criminology Department at ASU; and they have asked U of A and NAU to do the same thing. We have been able to look at some of the results and it is interesting to see the student's perspective on pre-employment drug use and what the sheriffs and chiefs are saying about the same thing. This survey will help us make rule changes that are applicable to all agencies across the state.
- We will be doing a slight reorganization in January. Currently we have three different sections at AZPOST; Compliance, In-Service Training and Basic Training. In January we will streamline and just create one Training Section. Marie Dryer will move over to Compliance and Kip Rustenburg will handle all Training. There will be some internal moves also to make this more effective.
- We will be upgrading all of our technology ; we are working very closely with ADOA and are moving all of our servers to the Cloud in order to be more effective and secure.
- ACTIC came in and did a Threat Assessment of our facility and we are in the process of making upgrades to the building based on their recommendations.
- The two vacant Board positions should be filled very soon. We were informed that the applicants are in the final stages of the process.
- We will be presenting two short videos today with two of the new cases. We don't traditionally do this, we always have the videos available at the Board meeting for the Board's viewing at their discretion; but today we will show those to you. No matter how good we are at compiling facts and telling a story, a picture is worth a thousand words. It is very important that we show these two videos to you.

D. Consent Agenda

Colonel Milstead made a motion to accept the Consent Agenda. The motion was seconded by Chief Rodbell and passed unanimously.

The following items were approved:

1. Minutes of the Board Meeting held on October 16, 2019.
2. Certification Waivers:

Tuk A. Wright	Phoenix Police Department
Kristin L. Robertson	Camp Verde Marshal's Office
Joel A. Hight	Mesa Police Department
George K. Weaver	Wickenburg Police Department
Brian D. Behne	Paradise Valley Police Department

3. Consent Agreement for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individuals, without admitting to any misconduct, requests the Board accept their request to permanently relinquish their Arizona peace officer certification:

Hayden E. Young	19-077	Pinal County Sheriff's Office
James M. Virgdamo	19-028	Buckeye Police Department

4. Training Audit Deficiencies. The following individuals are deficient in their required annual training. The Board shall restrict their certified status until this deficiency is corrected:

Janine R. Jones	AZ State University Police Department
Thomas J. Glackin	Gila River Police Department

E. Review, Discussion and Possible Action on a Pima Community College Police Department Petition for determination that applicant's number of uses of marijuana, over ten years ago, was for experimentation for Applicant Thomas Kron

Assistant Attorney General Mark Brachtl addressed the Board regarding the Pima Community College Police Department Petition for determination that applicant's number of uses of marijuana, over ten years ago, was for experimentation for Applicant Thomas Kron. Acting Chief Buddy Janes, Pima Community College Police Department, addressed the Board to request that the petition be granted.

Deputy Pittmann made a motion to grant the petition for determination that the drug usage by Thomas Kron was experimental. The motion was seconded by Officer Medina and passed unanimously.

F. Final Action Cases:

1. 17-135 – William W. Murray – AZ Department of Transportation - ECD
This case was tabled due to Mr. Murray's attorney not being available.
2. 15-057 – Jim D. Salazar – Eloy Police Department
Mr. Ahler (AAG) recused himself from this case. The Board heard oral argument on the Administrative Law Judge (ALJ) Decision from Assistant Attorney General Mark Brachtl, and Mr. David Williams, attorney representing Mr. Salazar.

Sheriff Dannels made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and revoke Mr. Salazar's peace officer certification. The motion was seconded by Deputy Director Profiri and passed with one nay vote recorded for Deputy Pittmann.

3. 17-104 – Charles K. Foley – Tucson Police Department

The Board heard oral argument on the Administrative Law Judge (ALJ) Decision from Assistant Attorney General Mark Brachtl.

Chief Rodbell made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and close this case with no action. The motion was seconded by Sheriff Dannels and passed unanimously.

4. 18-152 – Levi W. Leeder – Phoenix Police Department

The Board received independent legal advice from Assistant Attorney General John Tellier.

Mr. Ahler (AAG) recused himself from this case. The Board heard oral argument on the Administrative Law Judge (ALJ) Decision from Assistant Attorney General Seth Hargraves, and Mr. Steven Serbalik, attorney representing Mr. Leeder.

Upon the advice of counsel, no additional testimony was allowed in this case.

Colonel Milstead made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and allow applicant to move forward. The motion was seconded by Deputy Director Profiri and failed with six nay votes recorded for Sheriff Dannels, Chief Rodbell, Officer Medina, Chief Kelly, Deputy Pittmann and Ms. Kelly.

Sheriff Dannels made a motion to accept the ALJ's Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Leeder. The motion was seconded by Officer Medina and passed with three nay votes recorded for Colonel Milstead, Deputy Director Profiri and Mr. LeFevre.

5. 18-142 – Jessee N. Ornelas – El Mirage Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the proposed Consent Agreement, and Mr. Eric Wilson, attorney for Mr. Ornelas. Deputy Director Ben Henry also provided information to the Board reference the proposed Consent Agreement. Sheriff Dannels made a motion to reject the Consent Agreement, Decision and Order which called for a 19-month suspension of Mr. Ornelas' peace officer certification. The motion was seconded by Chief Rodbell and passed with two nay votes recorded for Colonel Milstead and Deputy Director Profiri.

6. 19-082 – Timaree J. Murphy – Phoenix Police Department

The Board considered comments from Assistant Attorney General Mark Brachtl, who provided a brief overview of the case and the proposed Consent Agreement. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 40-hour suspension of Ms. Murphy's peace officer certification. The suspension shall be in effect

from August 5, 2019 through August 8, 2019. The motion was seconded by Deputy Pittmann and passed unanimously.

7. 19-082 – Joshua J. Gross – Mesa Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Mr. LeFevre made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Gross. The motion was seconded by Chief Rodbell and passed unanimously.

8. 18-147 – Scot D. Bricker – Pinal County Sheriff's Office

The Board considered comments from Executive Director Matt Giordano, who provided a brief overview of the case and stated that Mr. Bricker signed a Consent Agreement and wished to voluntarily relinquish his peace officer certification. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of Mr. Bricker's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

9. 19-061 – Ryan A. Morris – Gilbert Police Department

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Morris' peace officer certification for one year. The suspension shall be in effect from October 21, 2018 through October 21, 2019. The motion was seconded by Chief Rodbell and passed unanimously.

G. New Charging Cases:

Cases 1 and 2 were switched in the order of presentation.

1. 19-129 – Aaron J. Aldridge – Glendale Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case; a short video was also shown. Deputy Pittmann made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Officer Medina and passed with four nay votes recorded for Colonel Milstead, Chief Rodbell, Sheriff Dannels and Chief Kelly.

2. 19-127 – Joshua A. Carroll – Glendale Police Department

The Board considered comments from Compliance Specialist William Caldwell who provided a brief overview of the case; a short video was also shown. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Carroll's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

3. 19-138 – Barbara E. Weaver – Gila River Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to **Resolve in the Future**. The motion was seconded by Deputy Pittmann and passed with two nay votes recorded for Sheriff Dannels and Chief Kelly.

4. 19-115 – Michael D. Maya – Phoenix Police Department
Colonel Milstead and Mr. Ahler (AAG) recused themselves from this case. The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Maya's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.
5. 19-119 – Frances E. Bradley Jr. – Fort McDowell Tribal Police Department
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Bradley's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
6. 18-154 – Robert H. Folker – Globe Police Department
Deputy Pittmann recused himself from this case. The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Chief Kelly made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Sheriff Dannels with one nay vote recorded for Ms. Kelly.
7. 18-151 – Justin L. Keeling – Globe Police Department
This case was tabled for further review.
8. 19-141 – Bryan S. Lawrence – Superior Police Department
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case; she also stated the overview and agenda showed Mr. Lawrence worked for the Coolidge Police Department, he actually worked for the Superior Police Department. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Lawrence's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
9. 19-020 – Justin L. Mitchell – Casa Grande Police Department
The Board considered comments from Compliance Specialist Amanda Faust, who provided a brief overview of the case. Mr. Ahler made a motion to **Initiate Proceedings** against Mr. Mitchell's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously. *Chief Rodbell was out of the room during this case.*

The Board took a short break at 11:55 a.m. and the meeting resumed at 12:03 p.m. Prior to taking the break Sheriff Dannels made a motion to table Final Action Case #1 – 17-135 William W. Murray. The motion was seconded by Chief Kelly and passed unanimously. Counsel for Mr. Murray communicated that he was unable to attend.
10. 19-145 – David Moix – Coolidge Police Department
The Board considered comments from Executive Director Matt Giordano, who provided a brief overview of the case and stated that Mr. Moix signed a Consent Agreement and wished to voluntarily consent to denial of his peace officer certification. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for voluntary denial of peace

officer certification to Mr. Moix. The motion was seconded by Chief Rodbell and passed unanimously.

11. 19-073 – Jillian D. Bradshaw – Oro Valley Police Department

Case #11 was moved to the end of the new cases.

12. 19-088 – Bobby A. Garcia – Yuma Police Department

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Kelly made a motion to **Initiate Proceedings** against Mr. Garcia's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

13. 18-155 – Steven F. Mingura – Graham County Sheriff's Office

The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Mr. Mingura's peace officer certification. The motion was seconded by Chief Kelly and passed unanimously.

14. 19-090 – Omar Villacorta – AZ Department of Transportation - ECD

Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Mike Orose, who provided a brief overview of the case. Deputy Director Profiri made a motion to **Initiate Proceedings** against Mr. Villacorta's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

15. 19-128 – Alison L. Braughton – Goodyear Police Department

The Board considered comments from Compliance Specialist Dave Toporek, who provided a brief overview of the case. Colonel Milstead made a motion to **Resolve in the Future**. The motion was seconded by Chief Rodbell and passed unanimously.

The Board will now address Case #11 – 19-073 Jillian D. Bradshaw – Oro Valley Police Department.

Colonel Milstead made a motion to go into executive session pursuant to A.R.S. §38-431.03(A)(2), to review confidential information. The motion was seconded by Mr. LeFevre and passed unanimously.

The Board went into executive session at 12:15 p.m. and the regular meeting resumed at 12:31 p.m.

11. 19-073 – Jillian D. Bradshaw – Oro Valley Police Department

Colonel Milstead made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Chief Rodbell and passed unanimously.

H. Future Agenda Items

There are no new items to add.

Mr. LeFevre made a statement that the powers and duties of the POST Board are to make recommendations consistent with this article to the Governor, the Speaker of the House of Representatives and the President of the Senate on all matters relating to law enforcement and public safety. I think that this Board feels strongly that this is something that we should address, that we should figure out how to do that and make such recommendations to the Governor and the Legislature on how we may want to proceed with that.

Chairman Mascher stated this is well worth following up on. Executive Director Giordano stated POST staff will follow up.

I. Adjournment

The meeting was adjourned at 12:33 p.m.